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23 [Additional Counsel on Signature Page]

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

In re COUNTRYWIDE FINANCIAL
21 CORP. MORTGAGE-BACKED
22 SECURITIES LITIGATION CASES

Case No. 11-ML-02265-MRP (MANx)

**[PROPOSED] ORDER
REGARDING SCHEDULE FOR
MOTIONS TO DISMISS PENDING
CASES**

Courtroom: 12
Judge: Hon. Mariana R. Pfaelzer

1 PUTNAM BANK, Individually and
2 on Behalf of All Others Similarly
3 Situated,

4 Plaintiff,

5 v.

6 COUNTRYWIDE FINANCIAL
7 CORPORATION, *et al.*,

8 Defendants.

Case No. 11-CV-04698-MRP (MANx)

9 BANKERS INSURANCE
10 COMPANY, *et al.*,

11 Plaintiffs,

12 v.

13 COUNTRYWIDE FINANCIAL
14 CORPORATION, *et al.*,

15 Defendants.

Case No. 11-CV-07152-MRP (MANx)

16 THRIVENT FINANCIAL FOR
17 LUTHERANS, *et al.*

18 Plaintiff,

19 v.

20 COUNTRYWIDE FINANCIAL
21 CORPORATION, *et al.*,

22 Defendants.

Case No. 11-CV-07154-MRP (MANx)

23 STERLING FEDERAL BANK,
24 F.S.B.,

25 Plaintiff,

26 v.

27 COUNTRYWIDE FINANCIAL
28 CORPORATION, *et al.*,

Defendants.

Case No. 11-CV-07163-MRP (MANx)

1 DEXIA HOLDINGS, INC., *et al.*,

2 Plaintiffs,

3 v.

4 COUNTRYWIDE FINANCIAL
5 CORPORATION, *et al.*,

6 Defendants.

Case No. 11-CV-07165-MRP (MANx)

7 WESTERN AND SOUTHERN LIFE
8 INSURANCE COMPANY, *et al.*,

9 Plaintiffs,

10 v.

11 COUNTRYWIDE FINANCIAL
12 CORPORATION, *et al.*,

13 Defendants.

Case No. 11-CV-07166-MRP (MANx)

14 AMERICAN FIDELITY
15 ASSURANCE COMPANY

16 Plaintiff,

17 v.

18 COUNTRYWIDE FINANCIAL
19 CORPORATION, *et al.*,

Defendants.

Case No. 11-CV-07167-MRP (MANx)

1 Upon consideration of the parties' Stipulation Regarding Schedule for
2 Motions to Dismiss Pending Cases, it is hereby ORDERED that:

3 1. in *Dexia Holdings, Inc., et al. v. Countrywide Financial Corporation, et al.*, Case No. 11-CV-07165-MRP (MANx) ("Dexia") may serve and file
4 supplemental briefs not exceeding 10 pages per side in support of or in opposition to
5 the pending motion to remand.

6 2. The hearing on Plaintiffs' motion to remand in *Dexia* shall be on
7 November 10, 2011. Should the Court deny the motion to remand, the hearing on
8 Defendants' motions to dismiss shall be on January 26, 2012.

9 3. No later than November 4, 2011, each defendant in *Thrivent Financial for Lutherans, et al. v. Countrywide Financial Corporation, et al.*, Case No. 11-CV-07154-MRP (MANx) ("Thrivent") may either: (i) submit a brief supplementing its
10 motion to dismiss of up to 10 pages or (ii) withdraw its pending motion papers and
11 re-file motion papers with a brief no longer than the word count of the brief that it
12 previously filed.

13 4. Plaintiffs in *Thrivent* shall serve and file their opposition papers no later
14 than December 15, 2011.

15 5. Defendants in *Thrivent* shall serve and file their reply papers no later
16 than January 12, 2012.

17 6. The hearing on Defendants' motions to dismiss in *Thrivent* shall be on
18 January 26, 2012, together with the hearing on Defendants' motions to dismiss in
19 *Dexia* (if not remanded).

20 7. Plaintiffs in *Western and Southern Life Insurance Company, et al. v. Countrywide Financial Corporation, et al.*, Case No. 11-CV-07166-MRP (MANx) ("WSLIC") shall serve and file their amended complaint no later than November 7, 2011.

1 8. Defendants shall serve and file any consolidated motions to dismiss
2 addressing arguments for dismissal of the claims in *Putnam Bank v. Countrywide*
3 *Financial Corporation*, No. 11-CV-04698-MRP (MANx) (“*Putnam*”), *Bankers*
4 *Insurance Company, et al. v. Countrywide Financial Corporation, et al.*, Case No.
5 11-CV-07152-MRP (MANx) (“*Bankers*”), *Sterling Federal Bank, F.S.B. v.*
6 *Countrywide Financial Corporation, et al.*, Case No. 11-CV-07163-MRP (MANx)
7 (“*Sterling*”), *WSLIC*, and *American Fidelity Assurance Company v. Countrywide*
8 *Financial Corporation, et al.*, Case No. 11-CV-07167-MRP (MANx) (“*AFAC*”)
9 based on jurisdiction, venue, and the applicable statutes of limitations and repose no
10 later than December 7, 2011.

11 9. Plaintiffs shall serve and file any opposition papers to the consolidated
12 motions to dismiss claims in *Putnam*, *Bankers*, *Sterling*, *WSLIC*, and *AFAC* based
13 on jurisdiction, venue, and the applicable statutes of limitations and repose no later
14 than January 13, 2012.

15 10. Defendants shall serve and file consolidated reply papers in support of
16 the consolidated motions to dismiss claims in *Putnam*, *Bankers*, *Sterling*, *WSLIC*,
17 and *AFAC* based on jurisdiction, venue, and the applicable statutes of limitations
18 and repose no later than February 3, 2012.

19 11. The hearing on Defendants’ consolidated motions to dismiss the federal
20 law claims in *Putnam*, *WSLIC* and *AFAC* based on the applicable statutes of
21 limitations and repose shall be on February 13, 2012.

22 12. The hearing on Defendants’ consolidated motions to dismiss in
23 *Putnam*, *Bankers*, *Sterling*, *WSLIC*, and *AFAC*, based on jurisdiction and venue and,
24 with respect to the state law claims, based on the applicable statutes of limitations
25 and repose shall be on February 14, 2012. Defendants’ motions to dismiss will be
26 considered a single motion under Federal Rule of Civil Procedure 12 such that, by
27 filing motions to dismiss addressing only jurisdiction, venue, and whether Plaintiffs’
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1 federal and state law claims are barred by the applicable statutes of limitations and
2 repose, Defendants do not waive, but expressly preserve, any and all arguments and
3 defenses. Accordingly, if any claims remain after the Court's disposition of the
4 motions to dismiss based on jurisdiction, venue and the applicable statutes of
5 limitations and repose, the parties shall confer on a further briefing schedule for the
6 remaining grounds for the motions to dismiss.

7 IT IS SO ORDERED.
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9 Dated: OCTOBER__, 2011

10 HON. MARIANA R. PFAELZER
11 UNITED STATES DISTRICT JUDGE
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PROOF OF SERVICE

I am employed in the County of Los Angeles, California. I am over the age of 18 and not a party to the within action. My business address is 601 S. Figueroa Street, 41st Floor, Los Angeles, CA 90017.

On October 21, 2011, I served the following documents on the persons on the attached service list as follows:

**[PROPOSED] ORDER re: STIPULATION REGARDING SCHEDULE
FOR MOTIONS TO DISMISS PENDING CASES**

- (MAIL) I placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this firm's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid. I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at Boston, MA.
- (CM/ECF Electronic Filing) I caused the above document(s) to be transmitted to the office(s) of the addressee(s) listed above by electronic mail at the e-mail address(es) set forth above pursuant to Fed.R.Civ.P.5(d)(1). "A Notice of Electronic Filing (NEF) is generated automatically by the ECF system upon completion of an electronic filing. The NEF, when e-mailed to the e-mail address of record in the case, shall constitute the proof of service as required by Fed.R.Civ.P.5(d)(1). A copy of the NEF shall be attached to any document served in the traditional manner upon any party appearing pro se."

1 (EXPRESS MAIL) I placed the envelope for collection and mailing,
2 following our ordinary business practices. I am readily familiar with this
3 firm's practice for collecting and processing Express Mail for mailing. On
4 the same day that Express Mail is placed for collection and mailing, it is
5 deposited in the ordinary course of business with the United States Postal
6 Service, in a post office, mailbox, sub-post office, substation, mail chute, or
7 other like facility regularly maintained by the United States Postal Service
8 for receipt of Express Mail.

9 (OVERNIGHT DELIVERY) I deposited in a box or other facility regularly
10 maintained by Federal Express , an express service carrier, or delivered to a
11 courier or driver authorized by said express service carrier to receive
12 documents, a true copy of the foregoing document in sealed envelopes or
13 packages designated by the express service carrier, addressed as stated
14 above, with fees for overnight delivery paid or provided for.

15 (MESSENGER SERVICE) I served the documents by placing them in an
16 envelope or package addressed to the persons at the addresses listed and
17 provided them to a professional messenger service for service. A separate
18 Personal Proof of Service provided by the professional messenger service
19 will be filed under separate cover.

20 (FACSIMILE) Based on an agreement of the parties to accept service by
21 fax transmission, I faxed the documents to the persons at the fax numbers
22 listed. No error was reported by the fax machine that I used. A copy of the
23 record of the fax transmission, which I printed out, is attached.

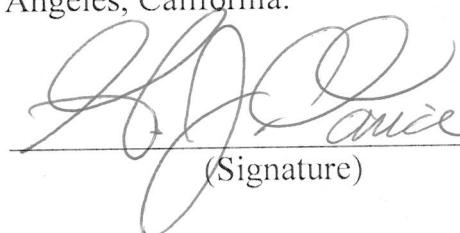
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1 (E-MAIL or ELECTRONIC TRANSMISSION) Based on a court order or
2 an agreement of the parties to accept service by e-mail or electronic
3 transmission, I caused the documents to be sent to the persons at the e-mail
4 addresses listed. I did not receive, within a reasonable time after the
5 transmission, any electronic message or other indication that the
6 transmission was unsuccessful.

7 I declare under penalty of perjury that I am employed in the office of a
8 member of the bar of this Court at whose direction this service was made and that
the foregoing is true and correct.

9 Executed on **October 21, 2011**, at Los Angeles, California.

10 _____
11 Gareth James Oania
12 (Type or print name)


(Signature)

1 **SERVICE LIST**

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